

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

Ram Capital Holdings LLC; Clark Robinson
Capital LLC; and Donald B. King

Plaintiffs,

v.

William McMurray; American RAC, LLC; and
U.S. RAC, LLC,

Defendants.

Case No. 1:13-cv-1453

District Judge Amy J. St. Eve

Magistrate Judge Young B. Kim

MOTION TO ENTER CONSENT JUDGMENT

Plaintiffs Ram Capital Holdings LLC, Clark Robinson Capital LLC, and Donald B. King (collectively “Plaintiffs”), pursuant to Federal Rules of Civil Procedure 54 and 58, move this Honorable Court for entry of Consent Judgment. In support of their Motion, Plaintiffs state:

1. On February 25, 2013, Plaintiffs filed a nineteen count Complaint against Defendants William McMurray, American RAC, LLC, and U.S. RAC, LLC (collectively “Defendants”) which made allegations regarding loans and consulting services Plaintiffs had provided to Defendants. (*ECF # 1*, Complaint.)

2. On May 15, 2013, this matter was mediated before Magistrate Judge Young B. Kim and a binding settlement agreement was reached among the Plaintiffs and Defendants. (*ECF # 21*, Minute Entry.)

3. Plaintiffs and Defendants reduced their settlement agreement to writing. A copy of which is attached hereto as Exhibit A.

4. On June 17, 2013, the parties stipulated to dismissal *without prejudice* such that the Court retained jurisdiction to enforce the parties settlement agreement while Plaintiffs made

their installment payments. *Dupuy v. McEwen*, 495 F.3d 807, 809-10 (7th Cir. 2007); *see also Locasto v. Locasto*, 518 F. Supp. 2d 1025, 1028 (N.D. Ill. 2007).

5. Defendants were to make a payment in the amount of \$150,000.00 to Plaintiffs on or before August 15, 2013 under the terms of the parties' settlement agreement. Exhibit A at ¶1.

6. On August 29, 2013, Defendants' counsel delivered a check to Plaintiffs' counsel in an effort to purportedly tender the payment due under the settlement agreement.

7. The check tendered on August 29, 2013, bounced for insufficient funds.

8. On September 6, 2013, Plaintiffs' counsel attempted to reach Defendants' counsel via telephone regarding the check which was returned for insufficient funds.

9. On September 7, 2013, Plaintiffs' counsel attempted to reach Defendants' counsel via email regarding the check which was returned for insufficient funds.

10. As of this filing, Plaintiffs' counsel has received no response regarding the bounced check.

11. In the settlement agreement, Defendants agreed to the entry of the Consent Judgment attached to the settlement agreement as Exhibit 1 if payment was not seasonably made in accordance with the terms of the settlement agreement. The settlement agreement contains a fourteen day cure period which passed on August 29, 2013.

12. Defendants are in default of their obligations under the settlement agreement and have, therefore, agreed to entry of the Consent Judgment attached to the settlement agreement as Exhibit 1.

WHEREFORE, Plaintiffs Ram Capital Holdings LLC, Clark Robinson Capital LLC, and Donald B. King respectfully request that the Court enter Consent Judgment in their favor and against the Defendants William McMurray, American RAC, LLC and U.S. RAC, LLC.

Respectfully submitted,

By: /s/ Mark A. Bradford

Attorneys for Plaintiffs
Ram Capital Holdings LLC; Clark
Robinson Capital LLC; and Donald B.
King

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Dated: September 9, 2013

CERTIFICATE OF SERVICE

Mark A. Bradford, an attorney, certifies that on the 9th day of September, 2013, he caused a copy of the foregoing Motion to Enter Consent Judgment to be filed on the Court's electronic PACER system which will serve an electronic copy on the following counsel of record:

Scott A. Entin
Jeffrey I. Cummings
Minner, Barnhill & Galland
14 West Erie Street
Chicago, IL 60610

/s/ Mark A. Bradford

Mark A. Bradford